

### Remarks

Applicants respond hereby to the outstanding Office Action mailed January 6, 2005. Applicants express their appreciation to the Examiner for the indication of the allowability of claims 4-6.

Applicants, however, believe quite strongly that each of their claims as set forth are patentably distinct from US Pat. No. 6,124,864 to Madden, so have argued the merits rather than amending in accordance with the Examiner's comments at paragraph 5 of the outstanding Office Action.

Each of pending claims 1-10 has been amended hereby, including the suggested amendment to claim 10 as set forth at paragraph 2 of the outstanding office action, and in view of the objections set forth in paragraph 3 of the Office Action. The specification has been amended substantially in accordance with the Examiner's suggestions as set forth at paragraph 1 of the Office Action. No new matter is entered. Reconsideration is respectfully requested.

### Response To Rejection of Claim 10 Under 35 USC § 101

Applicants have amended claim 10 substantially in accordance with the Examiner's rejection under 101, and respectfully assert that claim 10 is now fully statutory, and conforming to MPEP 2106.

### Response To Rejections Under 35 USC § 102

Claims 1-3 and 7-10 have been rejected under 35 USC § 102(b) as anticipated by US Patent No. 6,124,864 to Madden. The Examiner states that the Madden patent discloses a method of segmenting a selected region from a multidimensional data set. The method includes setting-up a shape model representing a general outline of a selected region (col. 6, lines 25-37), setting-up an adaptive mesh (col. 6, lines 55-60) representing an approximated contour of the selected region (col. 6, lines 38-46; col. 14, lines 49-55). The adaptive mesh is initialized on the basis of the shape model and on feature information of the selected region.

Applicants respectfully disagree.

Applicants' independent claim 1 sets forth a method of segmenting a selected region from a multi-dimensional dataset. The method includes setting-up a shape model representing a general outline of the selected region, and setting-up an adaptive mesh representing an approximate contour of the selected region, which adaptive mesh is initialized and deformed based on the shape model, and on feature information of the selected region.

Applicants' claim 9 sets forth a data processor arranged to set-up a shape model representing a general outline of a selected region, and to set-up an adaptive mesh representing an approximate contour

of the selected region, wherein the adaptive mesh is initialized and deformed on the basis of the shape model and on feature information of the selected region.

Applicants claim 10 sets forth a computer program embodied in a computer-readable medium for implementing a set of computer instructions to set-up a shape model representing a general outline of a selected region, and to set-up an adaptive mesh representing an approximate contour of the selected region, wherein the adaptive mesh is initialized and deformed on the basis of the shape model, and on feature information of the selected region.

In contrast, Madden discloses a technique for converging upon scene models using an adaptive strategy. The adaptive strategy is asserted to combine abstraction-based models derived from mathematical abstractions, image-based models and user inputs. Information realized from the abstraction-based model of the scene allows for an improvement of accuracy and efficiency of image-based techniques applied to the scene. A human user guides the creation of the initial model. The scene model contains information stored as data objects in an object-oriented database. Annotations indicate a linkage or correlation to form a correlation mesh between abstraction-based objects and image-based objects. The more links are added, the better defined the relationships between the two types of models, thereby allowing the scene model to converge accurately and predictably.

While Madden at col. 6, lines 38-46, refers to a correlation mesh, the correlation mesh 80 is not equivalent in structure or function with the “adaptive mesh representing an approximate contour of the selected region, which adaptive mesh is initialized and deformed based on the shape model, and on feature information of the selected region,” required limitations in each of applicants’ independent claims. Madden’s correlation mesh 80 serves to store links between an image-based object 50 and an abstraction-based object 60, providing an easy way to switch between the two different possible renditions of the physical object. Applicants’ adaptive mesh is not a set of links between applicants shape model and an image-based object. Hence Madden does not teach, suggest, disclose each of the elements comprising applicants’ inventions, and therefore cannot anticipate any of applicants’ pending claims.

Accordingly, applicants respectfully assert that independent claims 1, 9 and 10 are not anticipated by the Madden under 102(b), and request withdrawal of the rejection of those independent claims. For that matter, because claims 2, 3, 7 and 8 depend from independent claim 1, applicants respectfully assert that claims 2, 3, 7 and 8 are not anticipated under 102(b) in view of Madden, and request withdrawal of the rejection of claims 2, 3, 7 and 8, for at least the reasons set forth for the patentability of claim 1 under 102(b) in view of Madden.

Allowance of claims 1-10 and passage to issue of the application is respectfully requested.

Respectfully submitted,

By 

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